



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

November 12, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

30 November 12, 2013

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
IMPERIAL HIGHWAY – SHOEMAKER AVENUE  
TO LA MIRADA BOULEVARD AND BREEZEWOOD DRIVE  
TO ORANGE COUNTY BOUNDARY  
IN THE CITIES OF LA MIRADA AND SANTA FE SPRINGS AND  
IN THE UNINCORPORATED COMMUNITY OF SOUTH WHITTIER  
(SUPERVISORIAL DISTRICT 4)  
(3 VOTES)**

### **SUBJECT**

This action is to award a public works construction contract to Sully-Miller Contracting Company, for Imperial Highway – Shoemaker Avenue to La Mirada Boulevard and Breezewood Drive to Orange County Boundary, and authorize the Director of Public Works or her designee to execute a construction contract for work in the Cities of La Mirada and Santa Fe Springs and in the unincorporated community of South Whittier.

### **IT IS RECOMMENDED THAT THE BOARD:**

1. Find the apparent low bid submitted by Minco Construction nonresponsive for not meeting the required Disadvantaged Business Enterprise goal and failure to comply with the good faith effort for Disadvantaged Business Enterprise as defined in the Code of Federal Regulations.
2. Award and authorize the Director of Public Works or her designee to execute a construction contract and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for Project ID No. RDC0014997 – Imperial Highway – Shoemaker Avenue to La Mirada Boulevard and Breezewood

Drive to Orange County Boundary, for resurfacing of roadway pavement with asphalt concrete on asphalt rubber and aggregate membrane; reconstruction of medians, curb and gutter, sidewalk, curb ramps, driveways; traffic signal modifications; landscaping; and striping and pavement markings in the Cities of La Mirada and Santa Fe Springs and in the unincorporated community of South Whittier, to Sully-Miller Contracting Company, in the amount of \$4,144,238.40.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to obtain approval of the project from the Board to award this construction contract and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for this project.

On April 2, 2013, Agenda Item 36, the Board approved the project; adopted the plans and specifications; called for bids to be received on April 30, 2013; and instructed the Executive Officer of the Board of Supervisors to advertise the project.

A lower bid of \$3,905,621.50 was received from Minco Construction. Upon review of its bid, it was determined that it did not meet the Federal Disadvantaged Business Enterprise goal and did not make a good faith effort as required by Title 49 of the Code of Federal Regulations (CFR). Minco was offered the opportunity for an administrative reconsideration hearing. The hearing officer's ruling was that Minco did not comply with the CFR. The ruling is final and binding on the contractor, and it is not administratively appealable as provided in Title 49 CFR Section 26.53.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended award of the construction contract is necessary to execute a Board directed and approved Department of Public Works project in support of operational missions. The Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and enhance the quality of life in the affected cities and community.

### **FISCAL IMPACT/FINANCING**

This action will have no impact to the County General Fund.

The construction cost of \$4,144,238.40 is included in the Fourth Supervisorial District's Road Construction Program in the Fiscal Year 2013-14 Proposition C Local Return Capital Reserve Agreement Fund and Road Fund Budgets.

The enclosure includes the amount of the recommended contract as compared with the engineer's

estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and the Board's requirements.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On September 6, 2011, Agenda Item 29, the Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

The Honorable Board of Supervisors

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The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids. Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction contract will result in improved public works infrastructure in the cities and community where the work is scheduled.

### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:JTS:ma

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)

AWARD OF CONTRACT  
NOVEMBER 12, 2013

PROJECT ID NO. RDC0014997 – Imperial Highway – Shoemaker Avenue to La Mirada Boulevard and Breezewood Drive to Orange County Boundary, (in the Cities of La Mirada and Santa Fe Springs and in the unincorporated community of South Whittier), Supervisorial District 4.

TYPE OF WORK: Resurfacing of roadway pavement with asphalt concrete on asphalt rubber and aggregate membrane; reconstruction of medians, curb and gutter, sidewalk, curb ramps, driveways and traffic signal modifications; landscaping; striping and pavement markings; and the performance of other appurtenant work.

CALL FOR BIDS DATE: April 2, 2013 (Agenda Item 29)

BID OPENING DATE: April 30, 2013

BID SUMMARY:

Low	Sully-Miller Contracting Company 135 State College Boulevard Brea, California 92821 (714) 578-9600	\$4,144,238.40
2	All American Asphalt	\$4,250,000.00
3	Shawnan	\$4,252,324.11
4	Griffith Company	\$4,683,352.77
5	Excel Paving Company	\$4,802,277.25

Minco Construction submitted a bid of \$3,905,621.50. However, after review of Minco's bid documents, it was determined that it neither met the required Disadvantaged Business Enterprise (DBE) goal nor the DBE good faith effort in accordance with the contract specifications. Therefore, its bid was considered nonresponsive in accordance with the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$4,381,083.40
Amount of recommended contract	\$4,144,238.40
Amount of recommended contract below estimate	\$ 236,845.00

The amount of the recommended contract is 5.4 percent below the estimate.

Portions of the project are in the Cities of La Mirada and Santa Fe Springs. County-City of La Mirada Cooperative Agreement No. 77648 and County-City of Santa Fe Springs Cooperative Agreement No. 77647, both executed on September 6, 2011, provide for the County to perform the preliminary engineering and administer the construction of the project, with the City of La Mirada, the City of Santa Fe Springs, and the County to finance their jurisdictional shares of the project estimated to be \$2,342,800, \$333,600, and \$4,756,000, respectively.

Eligible portions of the project will be administered under the Federal Safe, Accountable, Flexible Efficient Transportation Equity Act – A Legacy for Users, Federal Transportation Equity Act for the 21st Century grant funds and the Federal Surface Transportation Program covered by Agreement No. 76078 with the State of California. Under these programs, Federal grant funds awarded to local agencies are used to finance a portion of the construction cost.

The annual maintenance cost for landscaping improvements is estimated to be \$33,000. Commencing in Fiscal Year 2014-15, sufficient appropriation is included in the Fourth Supervisorial District's Annual Road Construction Program in the Road Fund Budget to finance the ongoing maintenance cost.

Sufficient funds to finance the County's share of the project cost and the County's contribution of Highways-Through-Cities funds to the City of La Mirada is included in the Fourth Supervisorial District's Road Construction Program in the Fiscal Year 2013-14 Proposition C Local Return Capital Reserve Agreement Fund and Road Fund Budgets.

#### ENVIRONMENTAL IMPACT:

On September 6, 2011 Agenda Item 29, the Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

#### CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 180 working days. It is estimated the work will start in January 2014 and be completed in September 2014.

TKB:ma

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